

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 20-CA-157411

BRADFORD LOUIS

and

Case 20-CA-161987

CHRISTIAN EINFELDT

ORDER¹

The Employer's petition to partially revoke subpoena duces tecum B-1-QVUGNP is denied as untimely. Section 11(1) of the Act and Sections 102.31(b) and 102.111 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena here was served on March 21, 2016. Thus, the petition, which was filed May 11, 2016, is untimely.

Moreover, even assuming that the petition was timely filed, it is lacking in merit. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations, and the Employer has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v.*

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² Contrary to the Employer's position, we find that both USPS Standard Routine Use No. 2, and Exception 7 of the Privacy Act, 5 U.S.C. § 552a(b)(7), permit disclosure of the information requested in subpoena paragraphs 6, 7, and 8.

Carolina Food Processors, Inc., 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., July 12, 2016

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

LAUREN MCFERRAN, MEMBER